



**UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/355,707 12/14/94 KOUZAI

F3M1/0710

DARBY AND DARBY
805 THIRD AVENUE
NEW YORK NY 10022

K	69200A756
EXAMINER	

WONG, S

ART UNIT	PAPER NUMBER
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3304

DATE MAILED:

07/10/95

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

- ☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire three month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input checked="" type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-10 are pending in the application.
Of the above, claims 5-10 are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-4 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with Informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☒ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☒ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

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Part III DETAILED ACTION

Election/Restriction

1. Claims 5-10 are withdrawn from further consideration by the examiner, 37 C.F.R. § 1.142(b), as being drawn to a non-elected invention, the requirement having been traversed in Paper No. 5.

2. Applicant's election with traverse of claims 5-10 in Paper No. 5 is acknowledged. The traversal is on the ground(s) that Group I is part of the same inventive concept as that of Group II. This is not found persuasive because the examiner has shown that the inventions are distinct and have acquired a separate status in the art as shown by their different classification.

The requirement is still deemed proper and is therefore made FINAL.

Specification

3. The specification is replete with grammatical errors too numerous to mention specifically. The specification appears to be a direct translation from the Japanese application. The specification should be revised carefully. Examples of such errors are: on page 1, line 7 "produced by two method"; line 11 "the surface with adhesive agent"; line 18 "protrude bars"; line 19 "formed on overlap portion".

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4. To insure proper consideration, applicant should provide the examiner with a copy of the foreign art cited in the specification (page 1, line 14 and page 10, line 12) because it is not readily available to the examiner.

Claim Rejections - 35 USC § 112

5. Claims 1-4 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims appear to be a literal translation into English from the foreign document and are replete with grammatical and idiomatic errors.

In claim 2 the language on lines 3 and 4 describing the solution of an adhesive agent is indefinite because it is unclear whether such language is meant to positively recite the solutions or be merely exemplary.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1 7. Claims 1-3 are rejected under 35 U.S.C. § 102(b) as being
2 clearly anticipated by Takazawa. Takazawa discloses a ball
3 construction including an inflatable tube (1), a covering layer
4 (3) for the tube, a reinforced layer (4), an outer layer (5) and
5 an inorganic lubricant (2) located between the tube and the
6 covering layer (column 2, lines 1-15).

7 Regarding claim 2, Takazawa teaches that the covering layer
8 (3) is formed of cloth strips which are inherently capable of
9 preventing a solution of an adhesive agent from passing
10 therethrough.

11 Regarding claim 3, note column 2, lines 1-15 which teaches
12 placing cloth strips for the covering layer (3) and the
13 reinforced layer (4).

14 *Claim Rejections - 35 USC § 103*

15 8. The following is a quotation of 35 U.S.C. § 103 which forms
16 the basis for all obviousness rejections set forth in this Office
17 action:

18 A patent may not be obtained though the invention is not
19 identically disclosed or described as set forth in
20 section 102 of this title, if the differences between the
21 subject matter sought to be patented and the prior art are
22 such that the subject matter as a whole would have been
23 obvious at the time the invention was made to a person
24 having ordinary skill in the art to which said subject
25 matter pertains. Patentability shall not be negated by
26 the manner in which the invention was made.

27 Subject matter developed by another person, which qualifies
28 as prior art only under subsection (f) or (g) of section 102
29 of this title, shall not preclude patentability under this
30 section where the subject matter and the claimed invention

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1 were, at the time the invention was made, owned by the same
2 person or subject to an obligation of assignment to the same
3 person.


4 9. Claim 4 is rejected under 35 U.S.C. § 103 as being
5 unpatentable over Takazawa in view of Applicant's disclosure.
6 Takazawa lacks the teaching for the reinforced layer to be formed
7 by winding yarns.

8 Applicant discloses that it is well known in the art to
9 replace the cloth pieces with yarn windings for forming a
10 reinforced layer (page 1, lines 7-12). It would have been
11 obvious to replace the cloth pieces of the reinforced layer of
12 Takazawa with yarn windings in order to provide an alternative
13 method of reinforcing the covering layer.

14 *Conclusion*

15 10. The prior art made of record and not relied upon is
16 considered pertinent to applicant's disclosure. Mitchell,
17 Kumasaka et al., Kralik and FR 2,504,019 teach sports ball having
18 a plurality of layers.

19 11. Any inquiry concerning this communication or earlier
20 communications from the examiner should be directed to Steven
21 Wong whose telephone number is (703) 308-3135.

22
23
24

Steven Wong
Examiner
Group 3300

Serial Number: 08/355,707

-6-

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1 SBW
2 June 29, 1995